

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)

v.)

MICHAEL THOMAS JOYCE,)

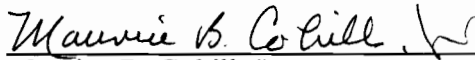
CR. NO. 07-31 Erie

ORDER

The Indictment in this case charges the Defendant with nine counts. Prior to trial, we granted the government's motion to dismiss/withdraw Count 2. Thus, trial commenced with the Defendant being charged with eight Counts: Count 1 and Counts 3 through 9.

During the charge conference in this case the Court and counsel agreed that in order to remove any potential confusion on the part of the jury regarding the missing Count 2, the jury would be presented with the eight counts charged in the Indictment in consecutive order numbered one through eight. Thus, for purposes of the jury, the Court and counsel agreed that Count 3 through Count 9, would be presented to the jury in the jury charge as Count 2 through 8; that an Indictment to be sent out to the jury would remove Count 2 and renumber the remaining Counts; and that the form of verdict prepared for the jury would present Counts 3 through 9, as Counts 2 through 8.

AND NOW, to-wit, this 17th day of November 2008, in accordance with the above, it is hereby ORDERED, ADJUDGED, and DECREED that any verdict returned by the jury as to Counts 2 through 8, shall be construed as verdicts as to Counts 3 through 9 as set forth in the Indictment in this matter.


Maurice B. Cohill, Jr.
United States District Court Judge

cm/ecf: counsel of record